

S.C. 19768

CONNECTICUT COALITION FOR	:	SUPREME COURT
JUSTICE IN EDUCATION FUNDING,	:	
INC., et al	:	
<i>Plaintiffs-Appellees / Cross-Appellants</i>	:	
	:	
v.	:	
	:	
M. JODI RELL, et al	:	
<i>Defendants-Appellants / Cross-Appellees</i>	:	FEBRUARY 28, 2017

**MOTION FOR
ASSIGNMENT FOR ARGUMENT IN MAY 2017 TERM**

The defendants move this Court to assign this matter for argument in its May 2017 term. Plaintiffs have informed the undersigned that they “would oppose the motion to the extent that we believe that the Court is in the best position to determine when hearing the argument would be most beneficial for the disposition of the appeal, once it has all the briefs in front of it.”

I. Brief History of the Case

This case was brought, under former Superior Court Docket No. HHD-CV05-4050526-S, in December, 2005, alleging, in essence, that the State of Connecticut was failing to provide a constitutionally adequate and equitable education to plaintiffs. The state asserted that there was no constitutional right to an adequate education and that the claim was not justiciable, and the trial court struck those claims. The plaintiffs applied for certification to appeal pursuant to Conn. Gen. Stat. § 52-265a, which was granted. This Court held, 4-3, with no majority opinion, that the claim was justiciable, *Connecticut Coalition for Justice in Education Funding v. Rell*, 295 Conn. 240 (2010). After extensive further discovery, briefing and other pre-trial litigation, the case was tried

from January 12 to June 3, 2016. The trial court issued its Memorandum of Decision on September 7, 2016. On September 15, 2016, the Chief Justice granted the defendants' Application for Certification to Appeal pursuant to Conn. Gen. Stat. § 52-265a and the plaintiffs' request, pursuant to Conn. Gen. Stat. § 52-265a to review certain issues decided adversely to the plaintiffs. Also on September 15, 2016, this court stayed the orders of the trial court pending resolution of this appeal.

II. Specific Facts Upon Which the Defendants Rely

This litigation concerns matters of great public interest and importance – the constitutionality of the state's methods of funding and providing public education. The trial court ordered sweeping changes to those methods, and this Court has stayed those changes pending resolution of this appeal. By statutory definition, direct appeals pursuant to Conn. Gen. Stat. § 52-265a are matters in which “a substantial public interest is involved” and regarding which “delay may work a substantial injustice.” This is plainly such a case, because the public, the legislature and the executive branch all have a strong need to know and understand, as soon as practicable, whether the state's present approach to education and education funding meets constitutional requirements or must be subject to court-ordered changes. In addition, if this case is argued in May, there will be an increased likelihood that the court will be able to rule prior to or early in the 2018 legislative session. Accordingly, it would be in the public interest for this case to be argued and decided promptly. Under the present briefing schedule, per this Court's order of October 4, 2016, the last brief in this case, plaintiffs' brief, is due thirty days after the filing of the defendants' reply brief. The undersigned defendants will file their reply brief no later than March 1, 2017, twelve days before its due date, so that

plaintiffs' brief will be due thirty days thereafter, on March 31, 2017. Accordingly, this case should be ready in ample time to permit argument on the May docket of this Court.

III. Legal Grounds

Practice Book § 69-2 provides that cases will be considered ready for assignment when the briefs and appendices of all parties have been filed. Those briefs and appendices will all be filed by March 31, 2017. Practice Book § 69-3 permits this court to determine the order of assignment of cases for argument. In addition, P.B. § 60-3 permits this court, for good cause shown, to suspend the requirements or provisions of its rules.

In further support of this motion, defendants state as follows:

There is a strong public interest in prompt resolution of the important constitutional issues presented by this case. The other branches of government will benefit from having this Court's ruling as soon as possible. Wherefore, the defendants respectfully request that this motion be granted and the court order this case assigned for argument in May, 2017.

Defendants-Appellants / Cross-Appellees

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CERTIFICATION

I hereby certify that a copy of the foregoing was delivered electronically this 28th day of February, 2017 in accordance with Connecticut Practice Book § 62-7 to:

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I hereby further certify that: this document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order, or case law; and that this document complies with all applicable rules of appellate procedure.

/s/ Joseph Rubin

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Associate Attorney General